

SENATE COMMITTEE ON  
TRANSPORTATION

Hearing Room  
Tapes - 50

MEMBERS PRESENT:

Sen. Ken Baker, Chair  
Sen. Mae Yih, Vice-Chair  
Sen. John Lim  
Sen. Marilyn Shannon  
Sen. Dick Springer

STAFF PRESENT:

Janet Adkins, Committee Administrator  
Gina Rumbaugh, Committee Assistant

MEASURES HEARD:

SB 881 Work Session  
SB 882 Work Session  
SB 1107 Work Session  
SB 626 Public Hearing

These minutes contain materials which paraphrase and/or summarize statements made during this session. Only text enclosed in quotation marks report a speaker's exact words. For complete contents of the proceedings, please refer to the tapes.

TAPE , SIDE A

008 CHAIR BAKER: Calls the meeting to order (1:23PM).  
-Introductory remarks

WORK SESSION ON SB 881

015 ADMINISTRATOR ADKINS: Review of SB 881, and explanation of SB 881-3 amendments [EXHIBIT A] and 881-4 amendments [EXHIBIT B].

PUBLIC HEARING ON SB 881

Witness: Al Lightner, Right of Way, Oregon Department of Transportation (ODOT)

050 AL LIGHTNER, RIGHT OF WAY, ODOT: Submits and summarizes testimony [EXHIBIT C], noting concern for utility amendment.

080 SEN. LIM: Inquires about cost for relocation of utility companies.

CHAIR BAKER: Denise McPhail notes U.S. West, Northwest Natural Gas, and PGE costs at \$12 to \$15 million. Dick Feeney notes costs at \$70 to \$90 million. I suggest SB 881-3 amendments which splits the cost between the project and utility companies.

SEN. LIM: Suggests Tri-Met pay all, receive 50% from the federal government, and split the remaining 50% between the project and utility companies.

WORK SESSION ON SB 881

130 ADMINISTRATOR ADKINS: Again reviews SB 881-3 amendments, Exhibit A.

MOTION: CHAIR BAKER MOVES TO ADOPT THE SB 881-3 AMENDMENTS DATED 4/4/95

VOTE: FOUR MEMBERS PRESENT, HEARING NO OBJECTIONS THE AMENDMENTS ARE ADOPTED; SEN. YIH IS EXCUSED

MOTION: CHAIR BAKER MOVES TO AMEND SB 881-3 AMENDMENTS, LINE 8, AFTER "FOR" INSERT "50% OF THE"

VOTE: IN A ROLL CALL VOTE, SENS. BAKER, LIM, AND SPRINGER VOTE AYE; SENS. SHANNON AND YIH VOTE NO; THE AMENDMENT IS ADOPTED

MOTION: CHAIR BAKER MOVES TO SUBSTITUTE SB 881-3 AMENDMENTS FOR SB 881-1 AMENDMENTS

VOTE: ALL MEMBERS ARE PRESENT, HEARING NO OBJECTIONS SB 881-3 AMENDMENTS ARE SUBSTITUTED FOR SB 881-1 AMENDMENTS

210 ADMINISTRATOR ADKINS: Again reviews SB 881-4 amendments, Exhibit B.

MOTION: CHAIR BAKER MOVES TO ADOPT THE SB 881-4 AMENDMENTS DATED 4/6/95

VOTE: ALL MEMBERS ARE PRESENT, HEARING NO OBJECTIONS THE AMENDMENTS ARE ADOPTED

MOTION: CHAIR BAKER MOVES TO FURTHER AMEND SB 881, PAGE 2, LINE 10, DELETE "9" AND INSERT "10", AND LINE 43, AFTER "FROM" INSERT "THE VICINITY OF THE INTERSECTION OF SOUTHEAST SUNNYSIDE ROAD AND INTERSTATE 205,"

VOTE: ALL MEMBERS ARE PRESENT, HEARING NO OBJECTIONS THE AMENDMENTS ARE ADOPTED

250 MOTION: SEN. SPRINGER MOVES SB 881, AS AMENDED, BE SENT TO WAYS AND MEANS WITH A DO PASS RECOMMENDATION

SEN. YIH: Explains why she will vote no--the bill is too inflexible; cannot make an informed decision when the routes, housing, and business developments are not yet determined; the bill is too fund-driven; concerned about the amount of lottery money committed.

VOTE: IN A ROLL CALL VOTE, SENS. BAKER, LIM, SHANNON, AND SPRINGER VOTE AYE; SEN. YIH VOTES NO; THE MOTION CARRIES

WORK SESSION ON SB 882

310 ADMINISTRATOR ADKINS: Reviews SB 882. Notes corrections to and reviews hand-engrossed bill [EXHIBIT D], which includes adopted SB 882-1 amendments.

380 MOTION: CHAIR BAKER MOVES TO FURTHER AMEND SB 882, HAND-ENGROSSED BILL DATED 4/10/95, PAGE 1A, LINE 13, DELETE "1966" AND INSERT "1996", AND PAGE 13, INSERT SEVERABILITY CLAUSE AS SECTION 14

VOTE: ALL MEMBERS ARE PRESENT, HEARING NO OBJECTIONS THE AMENDMENTS ARE ADOPTED

MOTION: SEN. SPRINGER MOVES SB 882, AS AMENDED, BE SENT TO WAYS AND MEANS

WITH A DO PASS RECOMMENDATION

VOTE: IN A ROLL CALL VOTE, SENS. BAKER, LIM, SHANNON, AND SPRINGER VOTE AYE; SEN. YIH VOTES NO; THE MOTION CARRIES

WORK SESSION ON SB 1107

400 ADMINISTRATOR ADKINS: Reviews SB 1107.

TAPE 50, SIDE A

005 ADMINISTRATOR ADKINS: Explains SB 1107-2 amendments [EXHIBIT E]; reviews further changes to the hand-engrossed bill [EXHIBIT F].

055 MOTION: CHAIR BAKER MOVES TO SUBSTITUTE SB 1107-2 AMENDMENTS FOR SB 1107-1 AMENDMENTS; AND FURTHER TO AMEND THE HAND-ENGROSSED BILL DATED 4/10/95, PAGE 4, LINE 8, DELETE "BOARD OF DIRECTORS" AND INSERT "GOVERNING BODY"; PAGE 5A, LINE 16, AFTER "OBLIGATIONS" INSERT A COMMA; PAGE 5A, LINE 21, AFTER "TRI-MET" INSERT "SINGLY OR TOGETHER"; PAGE 7, DELETE LINES 19 AND 20

VOTE: ALL MEMBERS ARE PRESENT, HEARING NO OBJECTIONS THE SB 1107-2 AMENDMENTS ARE SUBSTITUTED AND FURTHER AMENDMENTS ADOPTED

070 MOTION: SEN. LIM MOVES SB 1107, AS AMENDED, BE SENT TO WAYS AND MEANS WITH A DO PASS RECOMMENDATION

VOTE: IN A ROLL CALL VOTE, SENS. BAKER, LIM, SHANNON, AND SPRINGER VOTE AYE; SEN. YIH VOTES NO; THE MOTION CARRIES

PUBLIC HEARING ON SB 626

Witnesses: Glen Post, Newberg School District Board of Directors  
Lee Frease, McMinnville, Oregon  
Kathy Busse, Transportation Division, Multnomah County  
Phyllis Leppanen, Amity, Oregon  
Debra Downey, AAA Oregon  
David Haugeberg, Chair, Yamhill County Parkway Committee  
Harvey Rogers, Bond Counsel to Oregon Department of Transportation (ODOT)

080 GLEN POST, NEWBERG SCHOOL DISTRICT BOARD OF DIRECTORS: Supports SB 626.

Lists several reasons why a bypass is a good solution to heavy traffic.  
Concerned about transportation safety for school buses carrying students.

125 LEE FREASE, MCMINNVILLE, OREGON: Opposes SB 626, and lists reasons why.  
230 -Responds to several general questions from Sen. Shannon

280 SEN. YIH: Where did you get the \$3 toll fee figure? I thought it was  
.50 or .75.

FREASE: I was told by ODOT; it's a standard fee.

CHAIR BAKER: At this point, there are no toll fees set.

SEN. YIH: Does the revenue bond have to be approved by voters of the area?

CHAIR BAKER: No.

320 SEN. LIM: Suggests this be referred to the people.

335 KATHY BUSSE, TRANSPORTATION DIVISION, MULTNOMAH COUNTY: Owns five large bridges serving downtown Portland. Generally in support of the bill, but offers amendment to specify the department shall not make any property

which is owned by a unit of government part of a tollway unless the unit of government enters into an agreement with the department. (Will fax written amendment [EXHIBIT G]).

SEN. SHANNON: I understand this will not be extended to bridges.

CHAIR BAKER: Current statutes state ODOT can toll bridges in Oregon.

BUSSE: Do not intend to toll bridges in the immediate future.

400 PHYLLIS LEPPANEN, AMITY, OREGON: Opposes SB 626. Reads lengthy testimony (not submitted) that includes history of bypass issue, and reasons why she opposes the bill.

TAPE 49, SIDE B

030 LEPPANEN: Continues testimony.

115 DEBRA DOWNEY, AAA OREGON: Opposes SB 626. Submitted testimony at 4/4/95 hearing. Gives results of two polls, one of AAA members and one statewide. Suggests the issue of toll roads be referred to the voters.

SEN. LIM: Asks how many respondents were from the affected area.

DOWNEY: 54% of respondents were from the Tri-County area.

SEN. YIH: What are some reasons for opposing toll roads?

DOWNEY: Two major issues were dual taxation, and freedom of choice in using a toll facility.

190 DAVID HAUGEBERG, CHAIR, YAMHILL COUNTY PARKWAY COMMITTEE: Supports SB 626. Clarifies that he does not represent any developers or clients. Gives overview, responds to previous testimony and concerns, and discusses proposed amendments.

235 -Section 6 provisions

275 -Small business participation

315 SEN. YIH: What happens if the revenue does not meet expectations?

HAUGEBERG: Bond holders lose money, but they understand that risk when they buy.

SEN. YIH: Who makes up the difference?

HAUGEBERG: The purchaser of the bonds stands to suffer a loss.

SEN. YIH: The state's credit is not on the line?

HAUGEBERG: That's correct.

355 HARVEY ROGERS, BOND COUNSEL TO ODOT: Reviewed the bill to make sure the bonding and other provisions were broad enough in scope to encompass reasonable business deals that the state and private parties might strike.  
380 -Addresses application fees

SEN. SPRINGER: Notes proposed constitutional amendment that would affect rule making.

TAPE 50, SIDE B

005 ADMINISTRATOR ADKINS: Asks if the hand-engrossed bill, page 8, line 26,

removed language, is consistent with page 5, line 31.

ROGERS: Tried to allow maximum flexibility; expands on response.

-In response to Chair Baker, projects will be done as if they were ODOT owned, and are therefore subject to all the process limitations that currently apply to a state-initiated highway.

SEN. SPRINGER: Raises question about condemnation. Also asks about control over exits and adjacent properties.

HAUGEBERG: The number of accesses will be limited to two or three. Intend to work very hard from a land use standpoint to not increase urban sprawl.

SEN. SPRINGER: Would this project fall into the Tort Claim Act as a public owned and operated enterprise?

085 CHAIR BAKER: Legislative intent would be that this is not subject to the Tort Claim Act.

SEN. SPRINGER: Whatever the intent, we may want to speak specifically to avoid litigation.

ROGERS: The bill is silent on what the exact relationship is between the state, the potential private parties, and the local governments; further expands on response.

CHAIR BAKER: The intent is that ODOT would not operate it unless there was a default.

ROGERS: Currently, the draft of the bill would allow ODOT to operate the facility.

120 HAUGEBERG: Notes further issues of clarification for the committee to consider. Offers amendment with specific language that the toll ends when the toll project ends.

SEN. YIH: Who would do the maintenance during the period of toll collection?

HAUGEBERG: The operator is required to collect sufficient funds; further expands on response.

SEN. LIM: Do you object that this be referred to the people?

HAUGEBERG: The problem is that the wrong question is asked; the question should be specific to Newberg/Dundee and directed to local residents. Notes the numerous hearing held regarding a toll facility, and strong local support.

CHAIR BAKER: Adjourns the meeting (2:55PM).

Submitted by, Reviewed by,

Gina Rumbaugh Janet Adkins  
Committee Assistant Committee Administrator

EXHIBIT SUMMARY:

- A - SB 881-3 amendments -- Staff -- 1 page
- B - SB 881-4 amendments -- Staff -- 1 page
- C - Testimony on SB 881-3 amendments -- Al Lightner -- 1 page
- D - Hand-engrossed SB 882 -- Staff -- 17 pages
- E - SB 1107-2 amendments -- Staff -- 7 pages
- F - Hand-engrossed SB 1107 -- Staff -- 12 pages
- G - Proposed amendment to SB 626 -- Kathy Busse - 1 page
- H - Proposed amendment to SB 626 -- Staff (on behalf of Department of Justice) -- 3 pages